IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 4139 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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BHARATBHAI JAYANTILAL PATEL

Versus

THE STATE OF GUJARAT

Appearance:

1. Criminal Misc.Application No. 4139 of 2002

MR FB BRAHMBHATT for the Petitioners

MR K.C.SHAH, APP for Respondent No. 1

MR R.J.GOSWAMI for Respondent No.2

CORAM : MR.JUSTICE A.M.KAPADIA

Date of decision: 25/07/2002

ORAL JUDGEMENT

In this petition which filed under Section 482 of

the Code of Criminal Procedure ('the Code' for short), petitioners against whom offence is registered vide CR No. I-73 of 2002 for commission of the offences under Sections 467, 468, 471, 474, 211, 406, 411, 420 and 120(B) of IPC with Dholka Police Station on the basis of the complaint filed by respondent No.2 herein, have prayed to quash and set aside the said complaint, on the grounds stated in the petition.

2. When the matter is called out Mr. F.B.Brahmbhatt, learned advocate for the petitioners and Mr. R.J.Goswami, learned advocate for respondent No.2 jointly submitted that the amicable settlement has been arrived at between the parties and by virtue of the said settlement the dispute with relation to the monetary transaction has been resolved. It is also agreed that the complaint filed by each other may not be proceeded and may be quashed and set aside. The terms and conditions of settlement duly signed by all the parties has been produced for retaining on record of the case. They, therefore, requested to pass appropriate order.

Mr. K.C.Shah, learned APP has no objection if appropriate order is passed in view of the settlement arrived at between the parties.

3. In view of the aforesaid state of affairs, since the settlement has been arrived at between the parties and the dispute with relation to monetary transactions between them is resolved, the complaint filed vide CR No. I-73 of 2002 registered with Dholka Police Station on the basis of the complaint filed by respondent No.2 against the present petitioners deserve to be quashed and set aside.

4. For the foregoing reasons, the petition is disposed of. The FIR being CR No. I-73 of 2002 registered with Dholka Police Station is quashed and set aside. Rule is made absolute.

5. The terms and conditions of settlement shall be retained on record of this case.

Direct service permitted.

(A.M.Kapadia,J)

Jayanti*